

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Devon Brown

CONFIRMATION NO: 9386

APPLICATION NO: 10/544,284

Atty. Docket: 70235USPCT

INTERNATIONAL APPLICATION NO: PCT/EP04/01427

INTERNATIONAL FILING DATE: 02/16/2004

FOR: EXPRESSION IN PLANTS OF ANTIBODIES AGAINST ENTEROTOXIGENIC
ESCHERICHIA COLI

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

The Notification of Defective Response mailed June 29, 2006, a copy of which is enclosed, states that the following requirements set forth in the Notification of Missing Requirements mailed April 11, 2006 have not been completed:

1. Payment of \$250 for 16 pages in excess of 150 pages for large entity
2. A copy of the sequence listing in computer readable form

Please note that Applicant mailed on January 5, 2006, in response to the Notification of Missing Requirements dated November 9, 2005, payment of the \$250 for the 16 pages in excess of 150 pages, a copy of which is enclosed along with the return postcard indicating receipt by the U.S. Patent and Trademark Office on January 9, 2006. Please also note that Applicant provided a copy of this same paper mailed on April 27, 2006, a copy of which is enclosed along with the return postcard indicating receipt by the U. S. Patent and Trademark Office on May 1, 2006, in response to a second Notification of Missing Requirements dated April 11, 2006.

Applicant submitted a Paper Copy and a Computer Readable Form of a Corrected Sequence Listing in the response mailed April 27, 2006 referenced above. However, in a telephone conversation with Ms. India Evans on August 9, 2006 she maintained that the Computer Readable Form was defective. Therefore, in accordance with Ms. Evans' directions, Applicant provides the Computer Readable Form of the Corrected Sequence Listing, the Paper Copy of which was filed April 27, 2006. The undersigned states that the Paper Copy filed April 27, 2006 and the enclosed Computer Readable Form are the same. No new matter has been added.

A Petition for Extension of Time for one month is hereby requested pursuant to 37 C.F.R. §1.136(a). Accordingly, please charge Applicant's Credit Card in the amount of \$120 for this Petition. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology Inc.

If the Examiner has any questions regarding this response, he or she is invited to contact the undersigned at 919-541-8646.

Syngenta Biotechnology Inc.
Patent Department
3054 Cornwallis Road
Research Triangle Park, NC 27709-2257

Respectfully submitted,



Gregory W. Warren
Agent for Applicants
Reg. No. 48,385
Phone: (919) 541-8646

Date: August 10, 2006



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UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2
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JUL 06 2006

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/544,284 | Devon Brown | 70235USPCT |

22847
SYNGENTA BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
3054 COWNALLIS ROAD
P.O. BOX 12257
RESEARCH TRIANGLE PARK, NC 27709-2257

INTERNATIONAL APPLICATION NO.

PCT/EP04/01427

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 02/16/2004 | 02/18/2003 |

CONFIRMATION NO. 9386
371 FORMALITIES LETTER



OC000000019425503

Date Mailed: 06/29/2006 ✓

Due: July 29, 2006.
NOTIFICATION OF DEFECTIVE RESPONSE



The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 08/02/2005
- Copy of the International Search Report filed on 08/02/2005
- Preliminary Amendments filed on 08/02/2005
- Biochemical Sequence Diskette filed on 01/09/2006
- Oath or Declaration filed on 01/09/2006
- Biochemical Sequence Listing filed on 08/02/2005
- U.S. Basic National Fees filed on 08/02/2005
- Priority Documents filed on 08/02/2005
- Specification filed on 08/02/2005
- Claims filed on 08/02/2005
- Abstracts filed on 08/02/2005
- Drawings filed on 08/02/2005
- Paper nucleotide sequence listings filed on 08/02/2005

Applicant's response filed 01/09/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/11/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$250** for a Large Entity:

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a

substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

- The fee for submitting a specification and drawing containing more than 100 pages has not been paid in full. Applicant owes \$250 for 16 pages in excess of 150 pages for a large entity.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/544,284 | PCT/EP04/01427 | 70235USPCT |

Attorney Docket No. 70235USPCT
Application No. 10/544,284

FILING BY "FIRST CLASS MAIL" UNDER 37 C.F.R. § 1.8

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Alexandria, VA 22313-1450, on August 10, 2006.

- 1) Response to Notification of Defective Response (2 pages total)
- 2) Copy of Notification of Defective Response dated June 29, 2006
- 3) Petition for Extension of Time
- 4) Computer Readable Form of the Corrected Sequence Listing
- 5) Copy of the Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed April 27, 2006 (4 pages total)
- 6) Copy of the Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed January 5, 2006 (4 pages total)
- 7) Credit Card Payment Form
- 8) Return Postcard

Melissa Hardy

Name


Signature

Attorney Docket No. 70235USPCT
Mailing Date: April 27, 2006

Application No.: 10/544,284
Due Date: June 11, 2006

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items below:

- 1) Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- 2) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated April 11, 2006 with Raw Sequence Listing Error Report
- 3) Submission of Corrected Sequence Listing with Statement of Verification
- 4) Paper Copy of Corrected Sequence Listing (31 pages total)
- 5) Computer Readable Form of the Corrected Sequence Listing
- 6) Copy of the Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed January 5, 2006
- 7) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated November 9, 2005
- 8) Declaration for Utility or Design Patent Application (37 CFR 1.63) (6 total) mailed January 5, 2006
- 9) Power of Attorney or Authorization of Agent (6 total) mailed January 5, 2006
- 10) Copy of Credit Card Payment Form mailed January 5, 2006
- 11) Copy of the Return Postcard date stamped 09 January 2006 for the Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed January 5, 2006
- 12) Return Postcard

Attorney Docket No. 70235USPCT
Mailing Date: April 27, 2006

Application No.: 10/544,284
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Docketed - 05

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JAP/Rec/USPTO 01 MAY 2006

Attorney Docket No. 70235USPCT
Application No.: 10/544,284
Mailing Date: January 5, 2006
Due Date: January 9, 2006

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items below:

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- 6) Filing by "First Class Mail" Under 37 CFR § 1.8

Attorney: Marv Kakefuda

Attorney Docket No. 70235USPCT
Application No.: 10/544,284
Mailing Date: January 5, 2006
Due Date: January 9, 2006

Docketed
QB

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Attorney: Mary Kakefuda

IAP4 Rec'd PCT/PTO 09 JAN 2006

Attorney Docket No. 70235USPCT
Application No. 10/544,284

FILING BY "FIRST CLASS MAIL" UNDER 37 § C.F.R. 1.8

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Alexandria, VA 22313-1450, on January 5, 2006.

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Melissa Hardy

Name

Melissa Hardy

Signature

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P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

The Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated November 9, 2005 (a copy of which is enclosed) has a shortened statutory time set to expire on January 9, 2006.

In response, applicants submit herewith an original executed Declaration of the inventors. Please charge Applicants' credit card for the \$130 surcharge fee under 37 CFR §1.16(e), and \$250 for the 16 pages in excess of 150 pages for a large entity. A credit card payment form is enclosed for processing.

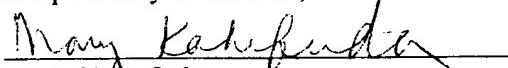
The Notification also stated a corrected Sequence Listing was needed, but did not include the marked-up "Raw Sequence Listing" as required. Therefore, Applicants were unable to determine how to correct the Sequence Listing. Applicants respectfully request that the marked-up sequence listing be sent so we may provide a corrected sequence listing.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology Inc.

If the Examiner has any questions regarding this response, he or she is invited to contact the undersigned at 919-765-5071.

Syngenta Biotechnology Inc.
Patent Department
3054 Cornwallis Road
Research Triangle Park, NC 27709-2257

Respectfully submitted,


Mary Kakefuda
Attorney for Applicants
Reg. No. 39,245
Phone: (919) 765-5071

Date: January 5, 2006

Attorney Docket No. 70235USPCT
Application No. 10/544,284

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Melissa Hardy

Name

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The Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated April 11, 2006 (a copy of which is enclosed) has a shortened statutory time set to expire on June 11, 2006.

In response, Applicants submit a paper copy of the corrected Sequence Listing, a computer readable form of the corrected Sequence Listing on disk, and a Statement Verifying Identity of Above Copies. A copy of the Raw Sequence Listing Error Report is enclosed.

Please note that Applicants mailed on January 5, 2006, in response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated November 9, 2005, the original executed Declaration of the inventors, the \$130 surcharge fee under 37 CFR §1.16(e), and the \$250 for the 16 pages in excess of 150 pages, a copy of which is enclosed along with the return postcard indicating receipt by the U.S. Patent and Trademark Office on 09 January 2006.

Applicants believe that no fees are due with this response. However, the Commissioner is hereby authorized to charge any fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology Inc.

If the Examiner has any questions regarding this response, he or she is invited to contact the undersigned at 919-765-5071.

Respectfully submitted,

Syngenta Biotechnology Inc.

Patent Department
3054 Cornwallis Road
Research Triangle Park, NC 27709-2257


Mary Kakefuda
Attorney for Applicants
Reg. No. 39,245
Phone: (919) 765-5071

Date: April 27, 2006

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